

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5706 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

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BHUPENDRABHAI VITHALBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR M.I. PATEL, Advocate, for Petitioner.

MISS HARSHA DEVANI, A.G.P. for the respondents.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/03/96

ORAL JUDGEMENT

The contention of the petitioner is that the Revision Application No.77 of 1993 filed against the order dated 26-4-1993 passed by the Collector, Vadodara, was heard by Mr. K.K. Chauhan, Deputy Secretary, Food and Civil Supplies, on 19-4-1994 and he pronounced the order on 6-5-1995. On the said date, Mr. Chauhan was not

having the power to hear and decide the Revision Application.

2. Without entering into controversy whether Mr. Chauhan had power or not, it is considered to be appropriate that the matter is required to be reheard by the competent authority. The order dated 6-5-1995 passed by the Dy. Secretary, Food and Civil Supplies, is quashed and set-aside and the respondents are directed to pass afresh order after hearing the petitioner. The petitioner shall appear before the Deputy Secretary, Food and Supplies and the competent authority to hear and decide the matter afresh on 18-4-1996. In case the competent authority for the good reason is not in a position to hear and decide the matter on 18-4-1996,, he will give next date to the petitioner.

3. Rule is made absolute to the aforesaid to the aforesaid extent. No order as to cost. D.S. is permitted.

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